

UNITED STATE DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

ROY HARTLEY,
PLAINTIFF,

V.

COLLECTION SERVICES OF
ATHENS, INC.,
DEFENDANT.

CIVIL ACTION NO.: 3:15-CV--79

NOW COMES COLLECTION SERVICES OF ATHENS, INC. (“Defendant”) and
hereby files its Answer in the above captioned cases as follows

FIRST DEFENSE

Plaintiff’s Complaint fails to state a claim against Defendant upon which relief can be
granted.

SECOND DEFENSE

Plaintiff’s claims are barred by the doctrine of waiver.

THIRD DEFENSE

Plaintiff’s claims are barred by the doctrine of estoppel.

FOURTH DEFENSE

Insofar as the evidence adduced may authorize, Defendant asserts
the defense of unclean hands.

FIFTH DEFENSE

Insofar as the evidence adduced may authorize, Defendant asserts the defense of *in pari
delicto*.

SIXTH DEFENSE

Insofar as the evidence adduced may authorize, Defendant asserts the defense of laches.

SEVENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because of the failure of a condition precedent.

EIGHTH DEFENSE

At all times, Defendant has acted in good faith toward Plaintiff.

NINTH DEFENSE

Defendant reserves the right to raise additional affirmative defenses as may be discovered during the course of these proceedings.

TENTH DEFENSE

Except as specifically admitted below, Defendant denies each and every allegation in the Complaint.

ANSWER

Defendant answers each of the numbered paragraphs of the Complaint as follows:

1. Defendant denies the allegations contained in Paragraph 1 of the Complaint.
2. Defendant admits the allegations contained in Paragraph 2 of the Complaint.
3. Defendant is without information or belief to admit or denies the allegations contained in Paragraph 3 of the Complaint.
4. Defendant denies the allegations contained in Paragraph 4 of the Complaint.
5. Defendant denies the allegations contained in Paragraph 5 of the Complaint.
6. Defendant denies the allegations contained in Paragraph 6 of the Complaint.
7. Defendant denies the allegations contained in Paragraph 7 of the Complaint.
8. Defendant denies the allegations contained in Paragraph 8 of the Complaint as stated.

9. Defendant denies the allegations contained in Paragraph 9 of the Complaint as stated.

10. Defendant denies the allegations contained in Paragraph 10 of the Complaint.

11. Defendant denies the allegations contained in Paragraph 11 of the Complaint.

12. Defendant denies the allegations contained in Paragraph 12 of the Complaint.

13. Defendant denies the allegations contained in Paragraph 13 of the Complaint.

14. Defendant denies the allegations contained in Paragraph 14 of the Complaint.

15. Defendant denies the allegations contained in Paragraph 15 of the Complaint.

16. Defendant denies the allegations contained in Paragraph 16 of the Complaint.

17. Defendant denies the allegations contained in Paragraph 17 of the Complaint.

18. Defendant denies the allegations contained in Paragraph 18 of the Complaint.

19. Defendant denies the allegations contained in Paragraph 19 of the Complaint.

20. Defendant denies the allegations contained in Paragraph 20 of the Complaint.

21. Defendant denies the allegations contained in Paragraph 21 of the Complaint.

COUNTERCLAIM
COUNT I
ATTORNEYS' FEES

22. Defendant restate and reaffirm the allegations contained in Paragraphs 1-21, above, as if restated verbatim herein.

23. Plaintiff is hereby given notice pursuant to O.C.G.A. § 51-7-80, et seq. that if the Defendant prevails at trial in this matter the Defendant will request this court for an award of actual attorney's fees.

24. Specifically, it is Defendant's position that the Motion has been filed without supporting facts or supported by law.

25. The allegations put forth in this Complaint are without substantial justification as defined by O.C.G.A Section 51-7-80, et seq.

26. The allegations contained therein are frivolous and groundless in facts and in law and are extremely vexations.

27. This action has been filed for the wrongful purpose and are an attempt to intimidate and harass Defendant.

28. The continuation of this litigation by the Plaintiff is without substantial justification.


29. Accordingly, the Plaintiff is hereby informed that unless the Plaintiff withdraw the Motions prior to the ruling by the Court, the Plaintiff will be subject to the provisions of O.C.G.A. Section 51-7-83 and other applicable laws in the State of Georgia governing abusive litigation.

WHEREFORE, Defendant prays for relief as follows:

- A. That the Court dismiss the Plaintiff's Complaint, and each and every claim and count thereof, with prejudice, that judgment be entered in favor of Defendant, and that Plaintiff take nothing by this action;
- B. For Defendant's attorney's fees, expenses and costs incurred in connection with this action pursuant to O.C.G.A. § 13-6-11;
- C. That the Court grant judgment in Defendant's favor and against Plaintiff as prayed for in Count I of Defendant's Counterclaim; and
- C. Such other and further relief as this Court deems just and proper.

This 30th day of December, 2015

Law Offices of Adam M. Cain, LLC
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Attorney for Defendant
GA Bar No. 102150

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CERTIFICATE OF SERVICE

The undersigned counsel for **COLLECTION SERVICES OF ATHENS, INC** (“**Defendant**”) in the above-styled action hereby certifies that he has this day served a copy of the **ANSWER** on the following by depositing same in the United States Mail in properly addressed envelopes with adequate postage to:

Segei Lemberg, Esquire
Lemberg Law, LLC
1100 Summer Street, Third Floor
Stanford, CT 06905

This 30th day of December, 2015

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706-206-7310
amcain@adamcainlaw.com



Adam M. Cain
Attorney for Defendant
GA Bar No. 102150